REMARKS

The Specification has been amended to update the current status of US patent applications cited therein.

Claim 1 has been amended. Support for the amendment may be found e.g., in the previously submitted Claim 1 and on page 24, lines 11-13. Specifically, Claim 1 clarifies that a plurality of RNAs are being detected. Claim 6 has been amended to correct the typographical error "substrated". Amended Claim 6 recites "substrate".

No new matter is presented by the amendments. Applicants do not acquiesce to the propriety of any of the Examiner's rejections nor disclaim any subject matter to which they are entitled by these amendments.

Priority

The Examiner alleges that the application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application no. 09/025,151 and alleges that this was not addressed in the response filed on 6/13/02. Applicants respectfully reiterate that no priority claim has been made for this application. Applicants had sought clarification to this effect in the response filed on 6/13/02.

The Examiner has also suggested that Applicants include the current status of all nonprovisional parent applications. Applicants respectfully submit that no information pertaining to parent applications has been submitted for this application. Applicants respectfully request clarification from the Examiner. Applicants nonetheless, have updated the status of US applications listed in the Specification (see below).

Objection to the Specification is obviated

The Specification is objected to because of the listing of US applications. Applicants have amended pages 24, 27, 33 and 34 of the Specification to address this objection.

Objection to Claim 6 is obviated

Claim 6 is objected to because it contains a typographical error. Applicants have amended the Specification to address this objection.

Claim Rejections under 35 U.S.C § 102 should be withdrawn

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. §102 (b) as allegedly being anticipated by Tominaga *et al* ("Tominaga"). Applicants respectfully disagree.

Tominaga discuss a method of detecting alpha globin mRNA transcripts on immobilized-oligonucleotide-coated microtiter plates by reverse transcription with biotinylated mononucleotides. Tominaga use a **single** oligonucleotide for their experiments (page 1753, column 1, paragraph 1) and discuss the disadvantages of using multiple oligonucleotides (page 1756, column 1, paragraph 4). Our claims teach the use of a plurality of different probes (oligonucleotides) for the detection of a plurality of different transcripts. Tominaga do not teach detection of a plurality of transcripts/ mRNA species (e.g., results and discussion of RT-PCR and Northern experiments on page 1755).

Because Tominaga do not teach every element of the instant invention, this rejection of Claims 1, 2, 4 and 5 should be withdrawn.

Claim Rejections under 35 U.S.C § 103 should be withdrawn

Claim 3 is rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Tominaga in view of Takarada *et al* ("Takarada"). Takarada teach thermostable RNA dependent polymerase and the Examiner alleges that it would have been *prima facie* obvious to one of ordinary skill in the art to apply Takarada's thermostable enzyme to Tominaga's detection method in order to reverse transcribe the hybridized RNA and increase hybridization and extension specificity. Applicants respectfully disagree. Takarada discuss the use of a thermostable enzyme for reducing non-specific hybridization and enzyme instability during nucleic acid amplification and one of ordinary skill in the art would not be motivated to combine it with Tominaga. Moreover, as explained in the previous section, Tominaga provide neither motivation nor suggestion for analysing multiple RNAs. Therefore this rejection of Claim 3 should be withdrawn. Claims 6-29 are rejected under 35 U.S.C § 103(a) as allegedly being unpatentable over Tominaga in view of Matson *et al* ("Matson"). Matson teach synthesis of oligonucleotides on solid phase in multiwell plates and the Examiner alleges that one of ordinary skill in the art would have been motivated to apply Matson to enable large-scale production while avoiding the handling of many independent oligonucleotides. It would allegedly have been *prima facie* obvious to apply Matson's teaching of DNA synthesis on solid support in order to construct a plurality of different oligonucleotides for hybridizing RNA samples in Tominaga's detection method. Applicants respectfully disagree. Neither reference, individually or in combination, suggests the limitation(s) encompassed by the claims of the present invention. Moreover, as explained previously, Tominaga provide neither motivation nor suggestion for constructing multiple (different)

oligonucleotides for analyzing multiple RNAs. Therefore this rejection of Claims 6-29 should be withdrawn.

In summary, the Examiner has failed to establish a *prima facie* case of obviousness and Applicants respectfully request that the rejection of Claims 3 and 6-29 be withdrawn.

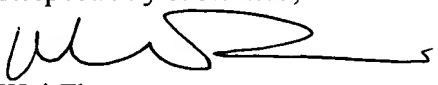
CONCLUSION

Applicants believe the application is now in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 731-5000.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

If the Examiner has any questions pertaining to this application, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,



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Dated: May 12, 2003

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